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**DATE:** FEBRUARY 21, 2006

**TO:** EXAMINER YANG, R.R. 703-308-6133  
(ADDRESSEE'S NAME) (EXTENSION)  
ART UNIT 2672 571-273-8300  
(LOCATION) (FAX NUMBER)

**FROM:** MATTHEW C. LOPPNOW (847) 523-2585  
(SENDER'S NAME) (EXTENSION)

**RE:** 09/855.388

TOTAL NUMBER OF PAGE(S) 7 (INCLUDING THIS PAGE)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

5 APPLICANT: REED et al. EXAMINER: Yang, R.  
SERIAL NO.: 09/855,388 GROUP: 2672  
10 FILED: May 15, 2001 CASE NO.: PF02077NA  
ENTITLED: METHOD AND APPARATUS FOR PROCESSING DATA INCLUDING AN  
IMAGE FOR PRESENTATION ON A DISPLAY

15 Motorola, Inc.  
Intellectual Property Department  
600 North U.S. Highway 45  
Libertyville, IL 60048

20 APPEAL REPLY BRIEF UNDER 37 C.F.R. § 41.37

25 MS Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

30 In reply to the Examiner's Answer mailed February 6, 2006, Applicant submits  
the present Reply Brief.

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**I. REAL PARTY IN INTEREST**

The Examiner's Answer correctly acknowledges the real party in interest.

5 **II. RELATED APPEALS AND INTERFERENCES**

The Examiner's Answer correctly indicates there are no related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have bearing on the Board's decision in the pending appeal.

10

**III. STATUS OF CLAIMS**

The Examiner's Answer correctly acknowledges the status of the claims.

15 **IV. STATUS OF AMENDMENTS AFTER FINAL**

The Examiner's Answer correctly acknowledges the status of the amendments.

**V. SUMMARY OF CLAIMED SUBJECT MATTER**

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The Examiner's Answer correctly acknowledges the summary of the claimed subject matter.

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## **VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

The Examiner's Answer correctly acknowledges the grounds of rejection to be reviewed on appeal.

5

## **VII. CLAIMS**

The Examiner's Answer correctly acknowledges the claims appendix.

## **VIII. REPLY**

Applicants maintain there is no motivation to combine Sakaiharu and McNelley to recite the features taught in independent claims 1, 9, and 15.

15 Sakaiharu is directed to electronic stained glass (Title) such as drawing patterns on drawings on window glass and using pictures to change a room interior (Task, solved by the invention section). McNelley is directed to a teleconferencing system (Title, Field, Summary, Description of the Preferred Embodiment, and Claims). There is no evidence of any benefit of using McNelley's teleconferencing system with electronic stained glass.

20 The Examiner's Answer alleges motivation is based on ensuring "an important part of the image is displayed." However, this alleged motivation is not proper motivation because it is not present in the references and is not alleged as knowledge generally available to one of ordinary skill in the art, as required by MPEP § 2142.

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In particular, there is absolutely no disclosure in McNelley of the alleged benefit of "ensuing an important part of an image is displayed." McNelley only discloses benefits of tracking a moving object for teleconferencing purposes (col. 3, lines 12-55). Teleconferencing has different requirements than the electronic stained glass of Sakaihara. In particular, McNelley expressly discloses the problems with teleconferencing as being movement of a conferee (col. 4, line 47 - col. 5, line 4). Yet, neither Sakaihara nor McNelley disclose electronic stained glass as suffering from problems specific to teleconferencing that require the benefits of McNelley.

The Office Action attempts to base motivation on McNelley disclosing "tight heads shots would generally require a quick tracking response." However, there is no disclosure of any feature in Sakaihara that would require a "quick tracking response" to ensure an important part of an image is displayed. Sakaihara only deals with drawing patterns on window glass and using pictures to change a room interior. These patterns and pictures are not disclosed to be dynamic or involving the tracking of a moving object. Thus, there is no need for a quick tracking response to ensure an important part of an image is displayed.

Furthermore, as noted above, McNelley does not disclose a generic benefit of ensuring "an important part of an image is displayed," much less that such is necessary with the electronic stained glass disclosed by Sakaihara.

Thus, the Office Action has not provided proper motivation to combine Sakaihara and McNelley to recite the features taught in independent claims 1, 9, and 15.

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Therefore, Applicants respectfully submit that independent claims 1, 9, and 15 define patentable subject matter. The remaining claims depend from the independent claims and therefore also define patentable subject matter. Accordingly, Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. § 103.

5           Kindly reverse and vacate the rejection of Claims 1, 9, and 15 under 35 U.S.C. § 103 with instructions for the Examiner to allow all pending Claims 1-7, 9-13, and 15-19 to issue as a United States Patent.

CONCLUSION

10

In view of the discussion above, the Claims of the present application are in condition for allowance. Kindly withdraw any rejections and objections and allow this application to issue as a United States Patent without further delay.

15

Respectfully submitted,



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20

Dated: February 21, 2006

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25

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